IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 4TH DECEMBER 2007 / 13TH AGRAHAYANA 1929

WP(C).No. 27260 of 2007(T)

PETITIONER:

M/S.TVS INTERCONNECT SYSTEMS LTD,
'MEENA MADHAVAM', OPP.BHAVANS VIDYA MANDIR,
DESHABHIMANI ROAD, ELAMAKKARA (PO),
ERNAKULAM-26
REPRESENTED BY ITS PROJECT MANAGER.

BY ADV. SRI.SANTHOSH MATHEW
SRI.SATHISH NINAN

RESPONDENTS:

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1. THE VADAVUKODE-PUTHENCRUZ GRAMA PANCHAYATH (SPECIAL GRADE), PUTHENCRUZ PO, ERNAKULAM DISTRICT-682 308, REPRESENTED BY ITS SECRETARY.

2. THE SPECIAL GRADE SECRETARY, VADAVUKODE-PUTHENCRUZ GRAMA PANCHAYATH COMMITTEE, PUTHENCRUZ P.O., ERNAKULAM DISTRICT-682 308 REPRESENTED BY THE PRESIDENT.

3. SRI.K.Y.JOSHY, KEERIKKATTIL HOUSE, VADAVUKODE P.O., PUTHENCRUZ, ERNAKULAM DISTRICT - 682 310.

R3 BY ADV. SRI.V.RAJENDRAN (PERUMBAVOOR)
SRI.GEORGE VARGHESE KIZHAKKAMBALAM
SRI.M.P.MADHAVAN KUTTY
R1 & R2 BY ADV.SRI.C.N.PRABHAKARAN
SRI.C.R.VINOD KUMAR
SRI.A.K.MADHAVAN UNNI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 27260 OF 2007

Dated this the 4th day of December, 2007

JUDGMENT

The Advocate Commissioner has filed a report which will show that the apprehensions voiced by the petitioners are misplaced. This Court has by interim orders permitted construction of the tower and has permitted its energisation also. The principles laid down by a Division of this Court in **Reliance Infocom Ltd. v. Chemanchery Grama Panchayat** [2006 (4) KLT 695] should govern this case also. The other apprehensions are regarding possibilities of danger due to the structural instability of the tower. Those apprehensions are to be overruled in the light of the commission report which, in my opinion, is quite convincing. Stability report produced by the structural engineer, Sri.Abhilash Joy, also in my opinion, is a dependable one. Under these circumstances, I dispose of the Writ Petition confirming the interim order passed and without granting any relief to the petitioner. Exts.P5 and P6 are quashed.

PIUS C. KURIAKOSE, JUDGE

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